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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,519	04/26/2006	Franz Amtmann	AT03 0061 US1	9607

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NXP, B.V.  
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EXAMINER
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DUDEK JR, EDWARD J

ART UNIT	PAPER NUMBER
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2186

NOTIFICATION DATE	DELIVERY MODE
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07/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,519	<b>Applicant(s)</b> AMTMANN, FRANZ	
	<b>Examiner</b> Edward J. Dudek	<b>Art Unit</b> 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/26/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action is responsive to application #10/577519 filed on 26 April 2006.

Claims 1-12 are pending and have been presented for examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 7, 8, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the verification and/or encryption of data" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 contains the limitation "...for storing and/or changing a state information item..." and "...state information is represented by a number and/or position of memory cells..." These limitations render the claim indefinite since it is not clear whether the limitation appearing before the and/or phrase and the limitation appearing after the and/or phrase are both required or only one is required.

Claim 2 contains the limitation "... an encryption of data and/or a verification of an access..." This limitation renders the claim indefinite since it is not clear whether the limitation appearing before the and/or phrase and the limitation appearing after the and/or phrase are both required or only one is required.

Claim 7 contains the limitation "...being in an irreversible memory state and/or the position..." This limitation renders the claim indefinite since it is not clear whether the limitation appearing before the and/or phrase and the limitation appearing after the and/or phrase are both required or only one is required.

Claim 8 contains the limitation "...for the verification and/or encryption..." This limitation renders the claim indefinite since it is not clear whether the limitation appearing before the and/or phrase and the limitation appearing after the and/or phrase are both required or only one is required.

Claim 9 contains the limitation "...additional storage of preset data and/or data that can be entered..." This limitation renders the claim indefinite since it is not clear whether the limitation appearing before the and/or phrase and the limitation appearing after the and/or phrase are both required or only one is required.

Claim 4 is also deficient as it depends from claim 3.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (**U.S. Patent #5,504,701**).

As per claim 1: Takahashi discloses a method for storing and/or changing a state information item of a memory containing a plurality of memory cells, wherein the memory cells assume an irreversible memory state as a result of a programming step **(see column 3, lines 55-67)**, wherein the state information is represented by a number and/or position of memory cells existing or programmed in an irreversible memory state **(see column 5, lines 4-8 and column 6, lines 20-25)**, said method comprising the steps presented in the following; determining the state information by checking the memory state of the memory **(see column 5, lines 35-50)** and selecting an unprogrammed memory cell and programming the selected memory cell during and/or for changing the state information of the memory **(see column 6, lines 20-25)**.

As per claim 2: prior to determination of the state information, an encryption of data and/or a verification of an access authorization to the memory is carried out **(see column 8, lines 40-44)**.

As per claim 3: for determining the state information of the memory, a serial output of the memory is fed to a counter or a toggle flip-flop, whereby the number of memory cells programmed or in an irreversible memory state and/or the position of an unprogrammed memory cell is determined **(see column 4, lines 12-40)**.

As per claim 4: timing pulses are applied to memory and by verifying the timing pulses at the serial output of the memory a position of an unprogrammed memory cell is determined **(see column 6, lines 6-16)**.

As per claim 5: Takahashi discloses an integrated circuit for storing and/or changing state information of a memory containing a plurality of memory cells wherein the memory cells assume an irreversible memory state as a result of a programming step **(see column 3, lines 55-67)**, said integrated circuit containing a programming unit for programming the memory cells **(see column 6, lines 6-16)** and a feed-logic circuit said feed-logic circuit being provided for picking up and emitting data for programming and determining the state information of memory **(see column 6, lines 6-16)**.

As per claim 6: wherein a serial output of the feed-logic circuit interacts with an evaluation unit for determining the state information and for selecting an unprogrammed memory cell **(see column 5, lines 35-50 and column 6, lines 6-16)**.

As per claim 7: wherein the serial output of the feed-logic circuit interacts with a counter or a toggle flip-flop in order to determine the number of memory cells programmed or being in an irreversible memory state and/or the position of an unprogrammed memory cell **(see column 4, lines 12-40)**.

As per claim 8: wherein additionally a circuit is provided for the verification and/or encryption of data **(see column 8, lines 40-44)**.

As per claim 9: wherein additionally a memory is provided for additional storage of preset data and/or data that can be entered via an input device **( see column 3, lines 27-45)**.

As per claim 10: a data carrier containing an integrated circuit according to claim 5 **(see column 2, lines 45-55)**.

As per claim 12: wherein the data carrier is in the form of a tag or label (**see column 2, lines 45-55**).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (**U.S. Patent #5,504,701**) in view of well known practices in the art.

As per claim 11: Takahashi discloses all of the limitations of claim 10 as discussed above. Takahashi fails to disclose the data carrier is designed for contactless communication with a communication station. Traditionally phone cards have used a magnetic strip to store information concerning the number of minutes available on the card (**see column 1, lines 10-30**), however there can be a counterfeit problem. The card disclosed by Takahashi uses memories to store the information and a count of the number of times the card can be initialized, beyond this count the card becomes useless. The card must somehow communicate with the phone so the information can be updated. There are a number of well known methods, a contact strip or a contactless communication method. With a contact strip, there then must be an exposed contact

Art Unit: 2186

area on the phone that must be protected along with a contact on the card that must be protected. If either were to become damaged, communication may not work. RFID cards are well known, and do not require any exposed contacts to communicate; the card just has to be in the range of the receiver/transmitter built into the communication device. This reduces the risk of damaging contacts on the card and device, and since there are only timing signals being sent back and forth there is not a big demand for bandwidth, therefore a contactless communication method is more than able to handle the data that will be sent between the card and the device, and Official Notice is hereby taken. It would have been obvious to a person having ordinary skill in the art to which said subject matter pertains to have modified the system disclosed by Takahashi to use a contactless card to reduce the possibility of contacts on the card or the telephone from becoming damaged resulting in a failure of the card and the telephone from being able to communicate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Dudek whose telephone number is 571-270-1030. The examiner can normally be reached on Mon thru Thur 7:30-5:00pm Sec. Fri 7:30-4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2186

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matt Kim/  
Supervisory Patent Examiner, Art  
Unit 2186

/E. J. D./  
Examiner, Art Unit 2186  
July 1, 2008